

# Business Report The Chronicle with Bloomberg

# Clean Slate Day gives some lawbreakers 2nd chance

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Liz Hafalia / The Chronicle

People line up for Clean Slate Day at Willow Pass Community Center in Concord. Clean Slate helps those with minor criminal convictions who have been barred from gainful employment take steps to have the offenses removed from their records.

Frank shoplifted cologne and sunglasses in 2006. Valerie was convicted of misdemeanor prostitution in 2009. Dan has two DUI offenses dating back a decade.

The three Bay Area residents were among more than 200 people who flocked to Clean Slate Day in Concord on Thursday to see if they could expunge their criminal convictions from their records, removing a huge barrier to finding work.

Frank, 26, said he almost landed a job at Safeway only to find that his misdemeanor petty-theft conviction showed up in a background check, barring him from working there.

"I started crying, it was so discouraging," he said.

California, like many other states, offers people convicted of minor crimes a way to partially clean up their records so they can legally answer "No" to private employers, such as retailers or car washes, who ask if they've ever been convicted of a crime.

Even after expungement, criminal records still must be disclosed in many circumstances: for work with children, seniors or the disabled, for instance.

### **Background checks**

Advocates say the need for a fresh start is more acute than ever, as most major employers now require background checks, even as the number of people convicted of crimes continues to rise, in part spurred by stringent drug-sentencing laws.

A quarter of all adult Americans have an arrest or conviction that could show up on a background check, said Jessie Warner, director of re-entry legal services and policy for Rubicon Programs, a social-service agency that helps low-income people achieve financial independence.

No longer being stigmatized by past convictions "can make a huge difference between low-wage work and career development," she said. "It's a life-changing moment for a lot of clients."

Thursday's Clean Slate Day - run by Rubicon, the East Bay Community Law Center, Bay Area Legal Aid and the Lawyers' Committee for Civil Rights - was part of a larger Homeless Connect event at the Willow Pass Community Center that offered a range of services for low-income people - free haircuts and dental care, a DMV counter, wheelchair/bicycle repairs and meetings with social-service providers. The event, which drew more than 700 people, had a county fair feel with free <a href="barbecue">barbecue</a> and rows of tents where agencies met with people and handed out brochures.

The Clean Slate clinic took place in a room packed with long tables at which more than three dozen volunteer lawyers and law students met individually with Frank, Valerie, Dan and scores of other people to explain their rights under California Penal Code 1203.4, review their histories and offer employment counseling.

#### **Dismissal requests**

After meeting with a lawyer, Frank, like the other applicants, had his fingerprints digitally scanned by volunteer records technicians from UC Berkeley. The prints were submitted to the state Department of Justice's Live Scan system, which produces automated background checks on California criminal history.

In about two weeks, he'll get a copy of his Rap (record of arrest and prosecution) sheet in the mail. Armed with that, he can follow up with the Contra Costa County Public Defender's office to see whether his record makes him eligible for the next step: filing a Petition for Dismissal with a county judge. If the dismissal is granted, he will legally be able to tell private employers that he has no criminal convictions.

"I wish I hadn't made that choice" to shoplift, he said. "But this makes me hopeful that my conviction can be expunged."

Robin Lipetzky, the Contra Costa County public defender, said the county is working to streamline expungement to make it easier for people to request a fee waiver if they can't

afford the costs (\$50 for the RAP sheet; \$150 per dismissal petition), and for people with multiple convictions in the county to file petitions at a single court instead of each individual branch court.

## Only for probation

To be eligible for expungement, a person must have been sentenced to probation - which is not available for serious and violent felonies.

"Generally, if you have successfully completed probation, you are entitled to have your record cleared," Lipetzky said. "What California lets you do is withdraw your plea of guilty and enter a new plea of not guilty, file a petition in court, and have a judge dismiss the case. But (the record) does not just disappear completely."

A national movement called "Ban the Box" seeks to remove the "Have you ever been convicted of a crime?" question on initial applications for government jobs, although it can still be asked later. San Francisco, Berkeley, Oakland, Richmond and Alameda County have removed the question for their initial job applications, as have cities from Boston to Chicago to Seattle. AB1831, legislation that would extend Ban the Box to all California cities and counties, was introduced in February and will be heard in committee this week, Warner said.

Expungement doesn't require waiting for a clean slate day. Each California county handles it differently, but generally the probation department and/or the public defender can help walk people through the process.

# 'Yes' box means no job

"It's been a long and tough road with my convictions hanging over my head," said Vince, an El Cerrito man with two drug-motivated crimes in his past. A professional truck driver, he said the transportation industry "won't even look" at people with prior convictions. "Being told 'no' a lot of times is really hard," he said.

Vince has been working with Rubicon for the past year to expunge his record and is close to finishing.

"I've done all the legwork, calling and making court dates, and Jessie (Warner) has done all the paperwork," he said. "I know she's had my back.

"Since 2008, I have been clean and doing better every day. I'm still trying to make my way in society and support my family. When the day comes when I can put down 'No' (about past convictions), I'm going to put it in bold, giant capital letters. I'm elated that more doors will be open to me."

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